

***Allowable Subject Matter***

1. Claims 1-40 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record does not teach or fairly disclose a thermal treatment system that uses an RF energy source, an applicator contactable with a surface of a subject's biological tissue, a phase shifter, an impedance matching network, an RF resonator in which the system heats the biological tissue beneath the surface while the surface of the tissue is maintained at a lower temperature than the heated tissue beneath the surface ***without*** the benefit of a cooling device. All of the closest prior art devices utilizes an external cooling means such as a cooling fluid or thermoelectric cooling units to reduce the temperature at the surface of the biological tissue being treated.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAITLYN E. HELLING whose telephone number is (571)270-5845. The examiner can normally be reached on Monday - Friday 9:00 a.m. to 5:30 p.m. EDT.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571)272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. E. H./  
Examiner, Art Unit 3739

/Linda C Dvorak/  
Supervisory Patent Examiner, Art  
Unit 3739